

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DWAYNE TILLERY,

Plaintiff,

v.

SCOTT ADAMSON, et al.,

Defendants.

Case No. 3:20-cv-00004-RFB-WGC

**ORDER**

**I. DISCUSSION**

On January 2, 2020, Plaintiff Dwayne Tillery (#32659) initiated this prisoner civil rights action pursuant to 42 U.S.C. § 1983 when he was in the custody of the Nevada Department of Corrections ("NDOC"), (ECF No. 1-1). On October 20, 2020, the Court confirmed from the NDOC inmate database that Plaintiff died on October 19, 2020.

Pursuant to Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution filed within 90 days from the date of this order, the Court will dismiss the case.

**II. CONCLUSION**

For the foregoing reasons, IT IS ORDERED that the Court will dismiss this case in 90 days from the date of this order if there is no motion for substitution filed pursuant to Federal Rule of Civil Procedure 25(a)(1).

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1           **IT IS FURTHER ORDERED** that the application to proceed *in forma pauperis* (ECF  
2 No. 1) is denied as moot.

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4           DATED: November 2, 2020.

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9           RICHARD F. BOULWARE, II  
10           UNITED STATES DISTRICT JUDGE  
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